

**CIVIL CITATION  
THE STATE OF TEXAS**

**CAUSE NO: 60172**

MICHELLE JAMES

VS.

PARAMOUNT NISSAN OF TEXAS, LLC DBA NISSAN  
OF SILSBEE

§ 356TH JUDICIAL DISTRICT COURT

§

§ COUNTY OF HARDIN

**NOTICE TO DEFENDANT:** *"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 20 days after you were served this citation and petition, a Default Judgment may be taken against you."*

**TO: PARAMOUNT NISSAN OF TEXAS, LLC DBA NISSAN OF SILSBEE,  
THROUGH ITS REGISTERED AGENT, JOSEPH R. MESSA  
6363 WOODWAY, SUITE 820  
HOUSTON, TX 77057**

Defendant, in the hereinafter styled and numbered cause: 60172

You are hereby commanded to appear before 356TH JUDICIAL DISTRICT COURT of HARDIN COUNTY, TEXAS to be held at the courthouse located at 300 Monroe St. of said County in the City of Kountze, Hardin County, Texas, by filing a written answer to the Plaintiff's Original Petition at or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number **60172** styled:

**MICHELLE JAMES**

**VS.**

**PARAMOUNT NISSAN OF TEXAS, LLC DBA NISSAN OF SILSBEE**

Said Petition was filed in said court on 6th day of March, 2019 by TAYLOR THOMPSON, Attorney for Plaintiff, whose address is 490 PARK ST, BEAUMONT, TX 77701.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT KOUNTZE, TEXAS, ON THIS THE 7th day of March, 2019.



Dana Hogg  
District Clerk  
Hardin County, Texas  
P.O. Box 2997  
Kountze, TX 77625

By

KATIE ROMERO, DEPUTY CLERK

**OFFICER'S CERTIFIED MAIL RETURN**

Came to hand on the 6TH day of MARCH, 2019 at 4:30 o'clock P.M., and executed at 9:59 o'clock A.M., on the 7TH day of MARCH, 2019, by mailing to the within named PARAMOUNT NISSAN OF TEXAS L.L.C. D/B/A NISSAN OF SILSBEE, THROUGH ITS REGISTERED AGENT JOSEPH R. MESSA, certified mail, return receipt requested with restricted delivery a true copy of this citation together with an attached copy of Plaintiff's Petition to the following address:

6363 WOODWAY, SUITE 820, HOUSTON, TEXAS 77057

USPS#: 91 7199 9991 7039 6580 4484

Service upon the Defendant is evidenced by the return receipt hereto attached and signed by

\_\_\_\_\_ and dated: \_\_\_\_\_.

[ ] This Citation was not executed for the following reason:

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

Fee\$ \_\_\_\_\_

\_\_\_\_\_  
District Clerk / Officer / Sheriff  
Hardin County, Texas

By \_\_\_\_\_ Deputy

60172

NO. \_\_\_\_\_

**MICHELLE JAMES**  
**Plaintiff,**

vs.

**PARAMOUNT NISSAN OF**  
**TEXAS, L.L.C. d/b/a**  
**NISSAN OF SILSBEE**  
**Defendant**

§  
 §  
 §  
 §  
 §  
 §  
 §  
 §  
 §  
 §

**IN THE DISTRICT COURT OF**

**HARDIN COUNTY, TEXAS**

356th

\_\_\_\_\_**JUDICIAL DISTRICT**

**PLAINTIFF'S ORIGINAL PETITION**

COMES NOW, PLAINTIFF, MICHELLE JAMES, complaining of  
 DEFENDANT, PARAMOUNT NISSAN OF TEXAS, L.L.C. d/b/a Nissan of Silsbee  
 ("Nissan), and for cause of action will respectfully show unto this Honorable Court the  
 following:

**I. Parties**

Plaintiff, MICHELLE JAMES, is an individual living in the State of Texas, and the  
 last three numbers of her driver's license are 210. The last three digits of her social security  
 number are 503.

Defendant, PARAMOUNT NISSAN OF TEXAS, L.L.C. D/B/A NISSAN OF  
 SILSBEE, is a limited liability company with a principle place of business located at 3480  
 Highway 96 Bypass, Silsbee, Texas, 77656. Defendant can be served through its registered  
 agent, Joseph R Messa, who is located at 6363 Woodway, Suite 820, Houston, Texas.  
 77057.

## **II. Venue**

Venue is appropriate in Hardin County, Texas pursuant to the Tex. Civ. Prac. & Rem. Code, § 15.002 (a) (1) (Vernon 1997) because a substantial part of the transaction of events occurred in Hardin County.

## **III. Jurisdiction**

This Court has both personal and subject matter jurisdiction over the parties and this cause because one of the parties is a Texas resident and Plaintiff is claiming an amount more than the jurisdictional limits of this Court.

## **IV. Discovery**

Plaintiff intends to conduct discovery under Level III of the Texas Rules of Civil Procedure and respectfully request that this Court set this cause for trial and enter a scheduling order.

## **V. Facts**

On or about August 14<sup>th</sup>, 2017, Plaintiff took her car in for repairs to Nissan's dealership location in Silsbee. While at the dealership, Plaintiff filled out the necessary and routine paperwork inside the facility. When Plaintiff finished the paperwork, Plaintiff left the indoor facility and walked under the covered pathway—which is also the same area where the cars waiting to be serviced are located. While walking, Plaintiff slipped and fell in a large puddle of water that had formed from the leaking car's air conditioners. Defendant had actual knowledge and/or constructive knowledge the cars' air conditioner units leak and failed to warn Plaintiff of the condition on the premises.

The incident and damages and injuries resulting therefrom, were not caused by or contributed to by the Plaintiff nor did the same occur through any fault or negligence on the part of the Plaintiff but were caused by the Defendant's negligence, and Defendant's actions were the proximate cause of the injuries and damages sustained by Plaintiff.

#### **VI. Negligence and Premises Liability**

Defendant's negligent acts and/or omissions of said premises include, but are not limited to:

1. Failing to maintain said premises in a reasonable condition;
2. Failing to inspect said premises;
3. Failing to make reasonable repairs; and
4. Failing to warn of a dangerous condition of said premises.

The above and foregoing acts and/or omissions were a proximate cause of Plaintiff's injuries and damages and were committed and/or omitted by Defendant, its agents, servants, and/or employees in the course and scope of its agency, representation or employment.

#### **VII. Damages**

As a direct and proximate result of all Defendant's actions, Plaintiff was injured. Plaintiff sustained debilitating injuries as a result of the incident made the basis of this suit. Plaintiff incurred and will incur medical expenses related to the incident. The following is a list of damages that Plaintiff will seek as a result of the incident made the basis of this suit:

1. Pain and suffering, past and future;



2. Lost wages, past and future;
3. Loss of earning capacity;
4. Mental Anguish, past and future;
5. Medical Expenses, past and future;
6. Physical disfigurement, past and future; and
7. Physical impairment, past and future.

#### **VIII. RULE 193.7 NOTICE**

Plaintiff hereby puts Defendant on notice that Plaintiff intends to use all Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rules of Civil Procedure 193.7.

#### **IX.**

As required by Rule 47(b) of the Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiff's counsel state that Plaintiff seeks monetary relief over \$100,000.00 but not more than \$200,00.00. The monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seek pre-judgment and post-judgment interest at the highest legal rate.

#### **X. REQUESTS FOR DISCLOSURE**

Plaintiff hereby requests that Defendant produce, within 50 days of receipt of this request, answers responsive to all subparts (a)-(l) of Texas Rule of Civil Procedure 194.

**XI.**

Plaintiff also asserts a claim for prejudgment interest for all elements of damage that such interest is allowed for.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendant be duly cited in terms of law to appear and answer herein, and that upon final hearing, Plaintiff have judgment against said Defendant, which are within the minimal jurisdictional limits of this Court, for both pre- and post-judgment interest thereon at the legal rate, court costs, exemplary damages, and for such other and further relief, special or general, at law or in equity, to which Plaintiff may be entitled to receive.

Respectfully submitted,

**PROVOST ★ UMPHREY LAW FIRM, L.L.P.**

490 Park Street  
Beaumont, Texas 77701  
Ph: (409) 835-6000  
Fax: (409) 813-8609  
[Tthompson@provostumphrey.com](mailto:Tthompson@provostumphrey.com)

By: /s/ Taylor Thompson  
Taylor Thompson  
Texas Bar No. 24105044

**ATTORNEY FOR PLAINTIFF**

**JURY DEMAND**

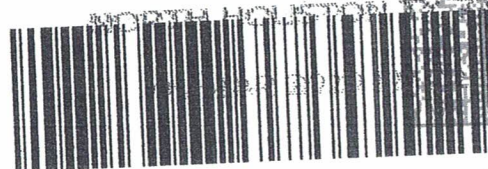
Plaintiff respectfully demands a trial by jury.

By: /s/ Taylor Thompson



DANA HOGG  
HARDIN COUNTY DISTRICT CLERK  
P.O. Box 2997  
KOUNTZE, TEXAS 77625

CERTIFIED MAIL



91 7199 9991 7039 6580 4484



Paramount Nissan of Texas, LLC d/b/a  
Nissan of Silsbee  
c/o Joseph R. Messer  
6363 Woodway, Suite 870  
Houston, TX 77057